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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

CELIA M.,

Petitioner,

v.

THE SUPERIOR COURT OF KERN COUNTY,

Respondent,

KERN COUNTY DEPARTMENT OF HUMAN
SERVICES,

Real Party In Interest.

F039237

(Super. Ct. No. JD92964)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Frank A. Hoover, Judge.

Michelle R. Trujillo, for Petitioner.

No appearance for Respondent.

B. C. Barmann, Sr., County Counsel, and Mark L. Nations, Deputy County Counsel, for Real Party In Interest.

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*Before Vartabedian, Acting P.J., Wiseman, J., and Levy, J.

Petitioner Celia M. seeks extraordinary writ review (Welf. & Inst. Code,¹ §366.26, subd. (l); Cal. Rules of Court, rule 39.1B) of respondent court's order that a section 366.26 hearing be held on February 15, 2001, as to her daughter, Corina. She contends the court erred in terminating reunification services. We find no error.

STATEMENT OF THE CASE AND FACTS

In August 2000, after receiving numerous referrals alleging general neglect and physical abuse, the Kern County Department of Human Services (department) offered petitioner voluntary family maintenance services. Petitioner signed a plan requiring her to complete substance abuse counseling and parent effectiveness training, submit to random drug testing and maintain a safe and clean environment for then two-year-old Corina.

However, petitioner failed to comply with the terms of her plan. On January 5, 2001, the department detained Corina after discovering that petitioner was using methamphetamine, participating in domestic violence with her live-in boyfriend, living in a dwelling with broken windows, without heat or electricity and failing to provide adequate food for Corina. The department filed a petition pursuant to section 300, subdivision (b) alleging that petitioner failed to protect Corina.

On January 10, 2001, the court ordered Corina detained and set the matter for a contested jurisdictional hearing on March 2, 2001. On March 2, 2001, the court found the allegations true and set the matter for a dispositional hearing on March 16, 2001. In its social study report prepared for the dispositional hearing, the department stated that petitioner had enrolled in, but failed to complete, a substance abuse counseling program. Additionally, she tested positive for drugs on January 23, 2001, and February 9, 2001. In light of petitioner's lack of compliance and Corina's young age, the department

¹ All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

recommended the court limit reunification services to six months. The department also recommended petitioner participate in child neglect counseling, parent training, substance abuse counseling and submit to random drug testing.

Petitioner appeared at the dispositional hearing conducted on March 16, 2001. The court adopted the reunification plan and ordered the services recommended by the department. The court set the matter for a six-month review on August 31, 2001.

On April 6, 2001, the case worker discussed the case plan requirements with petitioner. Shortly thereafter, petitioner went to Mexico to care for her sick father without informing the case worker. On April 17, 2001, and June 11, 2001, the case worker sent letters to petitioner's California residence informing her of the case plan requirements. The case worker also attempted unsuccessfully to make telephone contact with petitioner on four separate occasions between May and July 2001. On August 14, 2001, petitioner's sister informed the case worker petitioner was in Mexico. On that same date, the case worker spoke with petitioner who stated that she intended to return once her father's health improved. However, she could not provide an estimate as to when that would occur.

In its six-month status review, the department reported that petitioner had not complied with any facet of her case plan. She failed to enroll in any of the counseling programs and she tested positive for controlled substances on six occasions between December 2000 to March 2001. Further, she visited with Corina on four occasions during the seven and one-half months following detention. The department further reported that Corina was thriving in her foster placement and her foster parents wanted to adopt her if reunification failed.

The matter was contested and a hearing was conducted on October 19, 2001. Petitioner was in Mexico and did not appear. Counsel for petitioner submitted on the report, however, argued that she had not been provided reasonable services while in Mexico. The court terminated services and set the matter for permanency planning,

finding that petitioner failed to avail herself of court-ordered services and comply with the plan. This petition ensued.

DISCUSSION

The reasonableness of reunification services is judged according to the circumstances of the particular case and assessed by its two components--content and implementation. (*In re Ronell A.*, (1996) 44 Cal.App.4th 1352, 1362.) “[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult” (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414; italics original.) Conversely, the parent has a duty to communicate with the department and participate in the reunification process. (*In re Raymond R.* (1994) 26 Cal.App.4th 436, 441.)

Petitioner does not challenge the content of the case plan. Rather, she contends the department did not make a good faith effort to assist her in obtaining comparable services in Mexico. Specifically, she argues the case worker failed to contact the Mexican Consulate otherwise inquire about the availability of services in Mexico.

“In reviewing the reasonableness of the services provided, this court must view the evidence in a light most favorable to the respondent. We must indulge in all reasonable and legitimate inferences to uphold the judgment. [Citation.] ‘If there is any substantial evidence to support the findings of a juvenile court, a reviewing court is without power to weigh or evaluate the findings.’ [Citation.]” (*In re Ronell A.*, *supra*, 44 Cal.App.4th at pp. 1361-1362.)

Viewing the evidence in the light most favorable to the department, we find sufficient evidence that it offered reasonable reunification services to petitioner. The record reflects petitioner was aware of the requirements of her plan. She was present at the dispositional hearing when the court enunciated them and the case worker personally

discussed them with her. Further, the case worker reiterated her case plan requirements by correspondence on multiple occasions. Still, she made no effort to seek services to effect reunification. Rather, she voluntarily left the country without notifying the case worker, in effect abandoning any attempt to reunify with her child. On this evidence, we conclude the department made reasonable efforts to maintain contact with petitioner and to assist her in complying with her case plan. We find no error.

DISPOSITION

The petition for extraordinary writ is denied.